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7**

PDF PAGE 1, COLUMN 4
Frank Motion
Is Served on
Solicitor

PDF PAGE 1, COLUMN 7

NEW TRIAL
ASKED
ON 115
COUTNS BY

FRANK'S ATTORNEYS

In Lengthy Document,
Attor-

neys for Leo M. Frank
Changes That
Innumerable Er-
rors Were Made by
Court

**JURORS JOHENNING
AND**

HENSLEE BOTH ATTACKED

They Are Alleged to
Have Gone

on Jury Prejudiced –
Roan

Now Expected to Hear
the
Motion

Citing 115 separate counts and attacking two of the jurors, counsel for Leo M. Frank on Wednesday served on the solicitor general their amended motion for a new trial for the man convicted of Mary Phagan's murder.

The motion recites that the court erred repeatedly, not only by refusing to rule out evidence introduced by the solicitor general, but by refusing to admit testimony offered by the defense; by refusing to incorporate certain points in his charge to the jury and for refusing to rebuke the solicitor general for

statements made in the cross examination of witnesses and in his argument.

The petition alleges that two of the jurors, J. A. Henslee and Johenning were prejudiced against Frank before they were selected and both had arrived at the definite conclusion that he was guilty and had so expressed themselves. Affidavit to support this contention will be introduced.

Of course a big attack is made on the testimony of Jim Conley, the defense contending that Judge L. S. Roan erred when he allowed Conley to testify that he had "watched ...Frank chatted with girls," ...details of the previous o...

The court erred, the ... when he allowed Conley -ative to seeing Frank...

The court erredtestimony of numerous Frank's character...because it is not....

The court erred, ...admitting a compact ... or on the day of ... Newt Lee and Frank and ...testimony that Frank was... telephone conversation....testimony relative to ... see Frank in jail was.... alleged.

Among the other county ...mission of a map of ...introduced by the solicitor;... the court to admit Newt... -ment that the bloody shirt...to him; Mrs. White's statement tha... did not report seeing Conley at the factory until a week after the tragedy and her admission that her husband worked for the pencil company; Lee's statement that Detective Black talked with him longer and tried harder to get a confession than Frank did; Dalton's entire testimony and many other things.

EVERY WITNESS ATTACKED.

In fact portions of the testimony of practically every state's witness were inadmissible, the motion declares, and the court erred in allowing them to go to the jury.

Portions of the testimony of Dr. Harris should have been stricken, it is argued. Many of the several hundred pages of the amendment are devoted to an argument that the court erred in refusing to clear the court room and in refusing to declare a mistrial on the several occasions that the defense made such motions.

The court room should have been cleared, it is argued, because such a feeling against the defendant had been aroused among the spectators that it was a menace to the jury and a fair and impartial trial could not be given the defendant.

Despite the protest of counsel for the defense there was continuous applause, when the points were scored by the prosecution, it is argued.

PASSION AND PREJUDICE.

Passion and prejudice had been so aroused in the court room that the defendant could not be given a fair trial and the court's threats to clear the court were entirely inadequate. The court erred, it is charged, in failing to clear the room, when the crowd laughed when Dr. Harris gave a tart answer to one of Mr. Arnold's questions.

The court erred in failing to rebuke Solicitor Dorsey when by his question he cast reflections upon the honesty of Herbert Schiff, a defense witness.

The court erred; it is argued, in refusing to allow Rabbi Marx to testify that the B'nai B'rith, while a benevolent organization, does not assist people charged with violation of the criminal statutes.

The court erred in refusing to rebuke Dorsey when he declared that he was not "four-flushing" on his ability to damn Frank's character.

That the court erred in not charging to the jury that if the hypothesis that Jim Conley could have committed the crime as well as Frank had not been eliminated that then they should

discharge the defendant. That the court erred in refusing to rebuke Solicitor Dorsey for many alleged misquotations of the evidence, which are all cited, in his argument.

That the court erred in not charging to the jury that if the hypothesis that Jim Conley could have committed the crime as well as Frank had not been eliminated that then they should discharge the defendant. That the court erred in refusing to rebuke Solicitor Dorsey for many alleged misquotations of the evidence, which are all cited, in his argument.

That the court erred by admitting the testimony of several young women relative to Frank's general relations with women, and by allowing Solicitor Dorsey to ask certain questions relative to alleged immorality of Frank before the time of the tragedy.

That the court erred in failing to charge that the jury need not believe that testimony of a witness, who admits that he was sworn falsely unless that testimony is corroborated. Although Conely is not mentioned here it is clear that it is to him that the defense refers.

The motion for a new trial covers

(Continued on last, page, Col 5.)

PDF PAGE 16, COLUMN 5

**NEW TRIAL ASKED
ON 115 COUNTS
BY**

FRANK'S ATTORNEYS

about 200 legal cap pages. It was served by the solicitor Wednesday together with the defense's chief of the evidence, which is also several hundred pages long.

The motion was prepared by Attorney L. Z. Rosser.

Judge Roan Will Probably Hear Motion

It seems now to be indicated that Judge L. S. Roan, who presided over the trial of Leo M. Frank will hear the motion of the convicted man's attorneys for a new trial of the charge. It is regarded as certain that he will hear it unless the hearing is delayed beyond one week from next Monday.

The indication lies in the fact that on this approaching Monday begins the October term of the state court of appeals, to which Judge Roan has been appointed and from which Judge B. H. Hill has been transferred to the Fulton superior court. But the call of the calendar of cases before the court of appeals is set for the following Monday. In the interim the court will devote itself to cases already heard, in order that Judge Hill may complete his work in the court before he retired from it.

It is in that interim that the Frank motion very probably will be heard. The hearing is set for next Saturday, but there is said to

be little probability that Solicitor General H. M. Dorsey will be ready then to answer it, he not having been served with a copy of it before Wednesday.